

UNIVERSITY LIBRARY

JUL 2 1917
PRINCETON N. J.

LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



COPYRIGHTED BY HARRIS & EWING

10 Cents
a Copy

PUBLISHED QUARTERLY
WASHINGTON, D. C.

35 Cents
a Year

Religious Liberty Association

DECLARATION OF PRINCIPLES

1. We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.
2. We believe that the ten commandments are the law of God, and that they comprehend man's whole duty to God and man.
3. We believe that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.
4. We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.
5. We believe it is the right, and should be the privilege, of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.
6. We believe that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.
7. We believe, therefore, that it is not within the province of civil government to legislate on religious questions.
8. We believe it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.
9. We believe in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.
10. We also believe in temperance, and regard the liquor traffic as a curse to society.

For further information regarding the principles of this association, address the Religious Liberty Association, Takoma Park, Washington, D. C. (secretary, C. S. Longacre), or any of the affiliated organizations given below:—

AFFILIATED ORGANIZATIONS

Atlantic Religious Liberty Association (affiliated organizations in Maine, Vermont, Massachusetts, New Hampshire, New York, Connecticut, and Rhode Island): Office, South Lancaster, Mass.; secretary, K. C. Russell.

Canadian Religious Liberty Association (affiliated organizations in New Brunswick, Nova Scotia, Quebec, Ontario, and Newfoundland): Office, Port Hope, Ontario; secretary, M. N. Campbell.

Central States Religious Liberty Association (affiliated organizations in Kansas, Nebraska, Missouri, Colorado, and Wyoming): Office, College View, Nebr.; secretary, R. A. Underwood.

Columbia Religious Liberty Association (affiliated organizations in Pennsylvania, Ohio, New Jersey, Virginia, West Virginia, Delaware, and Maryland): Office, Takoma Park, D. C.; secretary, B. G. Wilkinson.

Lake Religious Liberty Association (affiliated organizations in Michigan, Indiana, Illinois, and Wisconsin): Office, 3145 Lyndale St., Chicago, Ill.; secretary, L. H. Christian.

Northern Religious Liberty Association (affiliated organizations in Minnesota, Iowa, North Dakota, and South Dakota): Office, 2713 Third Ave. South, Minneapolis, Minn.; secretary, Chas. Thompson.

North Pacific Religious Liberty Association (affiliated organizations in Oregon, Washington, Idaho, Montana, and Alaska): Office, College Place, Wash.; secretary, H. W. Cottrell, 508 E. Everett St., Portland, Oregon.

Pacific Religious Liberty Association (affiliated organizations in California, Nevada, Utah, and Arizona): Secretary, W. F. Martin, Santa Ana, Cal.

Southeastern Religious Liberty Association (affiliated organizations in Florida, Georgia, North Carolina, and South Carolina): Office, 161 Bryan St., Atlanta, Ga.; secretary, Carlyle B. Haynes.

Southern Religious Liberty Association (affiliated organizations in Alabama, Kentucky, Tennessee, Louisiana, and Mississippi): Office, 2123 24th Ave. N., Nashville, Tenn.; secretary, L. A. Smith.

Southwestern Religious Liberty Association (affiliated organizations in Arkansas, Oklahoma, Texas, and New Mexico): Office, Keene, Tex.; secretary, J. W. Christian.

FOREIGN OFFICES

Australia: Office, Mizpah, Wahroonga, N. S. W., Australia; secretary, G. Tensdale.

Great Britain: Office, Stanborough Park, Watford, Herts, England; secretary, W. T. Bartlett.

LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM

Published quarterly by the

REVIEW AND HERALD PUBLISHING ASSN., TAKOMA PARK, WASHINGTON, D. C.

CHARLES S. LONGACRE, Editor

CALVIN P. BOLLMAN, Managing Editor

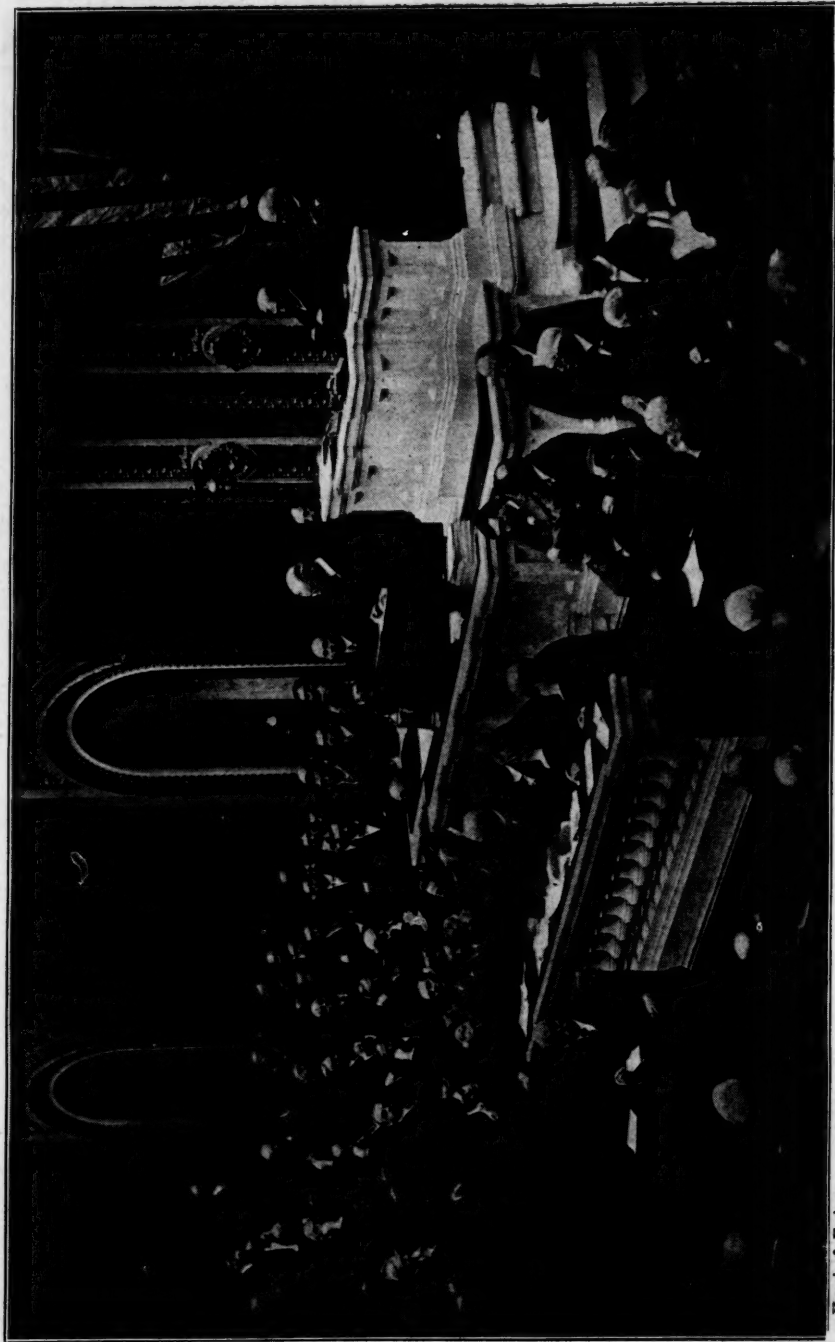
Special Contributors — K. C. Russell, J. O. Corliss, W. F. Martin, S. B. Horton, C. B. Haynes.

CONTENTS

President Wilson Addressing Congress - - - - -	- Frontispiece
Speeches Which Saved Freedom of the Press to America - - - - -	67
A Menace to Liberty - - - - -	72
Censorship and the Police Power - - - - -	73
Religion Not Founded on Force - - - - -	74
Which Is the Greater Menace? - - - - -	75
The Civil Sabbath a Religious Cat's-Paw - - - - -	76
A New and Drastic Sunday Bill - - - - -	77
Is Baseball a Nuisance? - - - - -	79
Reaction in Mexico Against Religious Despotism - - - - -	80
Religious Liberty Assured in New Russia - - - - -	84
California Legislature Against Religious Legislation - - - - -	85
Is the Separation of Church and State a Misfortune? - - - - -	87
Intolerance Rebuked - - - - -	88
Liberty Not Secured by Sunday Laws - - - - -	88
Shall the Flag Become the Symbol of Oppression? - - - - -	89
Editorial Brevities - - - - -	94
Massachusetts Suspends Sunday Laws - - - - -	94
Granting Indulgences for Baseball - - - - -	94
National Prohibition Necessary for the Triumph of Democracy - - - - -	95
Iowa Sunday "Blue Law" Crusade a Failure - - - - -	95
Important Notice to All Lovers of Religious Liberty - - - - -	96

Entered as second-class matter May 1, 1906, at the Post Office at
Washington, D. C., under the Act of Congress of March 3, 1879

SUBSCRIPTION RATES.— One year, 35 cents; three years (or 3 subscriptions, 1 year), \$1; five or more copies, mailed by publishers to five addresses or to one address, postpaid, each, 6 cents. No subscriptions for less than one year received. Remit by Post Office Money Order (payable at Washington, D. C., post office), Express Order, or Draft on New York. Cash should be sent in Registered Letter. When a change of address is desired, both old and new addresses must be given. No extra charge to foreign countries.



PRESIDENT WILSON ADDRESSING CONGRESS

Harris & Ewing



LIBERTY



"Proclaim liberty throughout all the land unto all the inhabitants thereof." Leviticus 25: 10.

VOL. XII

THIRD QUARTER, 1917

NO. 3

SPEECHES WHICH SAVED FREEDOM OF THE PRESS TO AMERICA

By

C. S. LONGACRE

American democracy and freedom are on trial. The fundamental principles of civil and religious liberty, as set forth in the federal Constitution, are being bitterly assailed by those who favor autocratic power. The freedom of the press and of speech trembled in the balance and barely escaped a one-man censorship, clothed with absolute power, from whose decisions there was to be no appeal. One of the bitterest conflicts waged in Congress for a long time, occurred over this issue, both in the Senate and in the House of Representatives, no longer ago than the month of May this year. We take pleasure in printing some of the able speeches which were made in Congress, including newspaper editorials, which aided in saving to the country freedom of press and of speech. These ought to be read by everybody, so that the public may become aroused to the dangers which threaten American freedom.

The immediate occasion has passed, but the fight is still on. The enemies of free speech and of a free press have

been checked, but not decisively defeated. The assault on liberty will be renewed upon the first favorable opportunity.

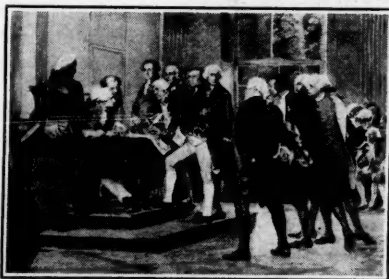
From Senator Borah's
Speech

Mr. President:
The First Amendment of the Constitution reads as follows:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble,

and to petition the government for a redress of grievances."

What was the purpose of this Amendment to the Constitution? Was it designed to regulate and control a power already presumed to be in the national government, or was it merely declaratory concerning a power which it was believed the national government did not have, and which it was never intended to give it? For instance, "Congress shall make no law respecting an establishment of religion." Can Congress legislate upon that subject at all? Has it any power to pass a law concerning the establishment of religion? Is it a subject matter within the legislative discretion or power of



© Knapp Co., Inc.

Patriots of 1776 Pledging Their Honor, Their Fortunes, and Their Lives to Liberty, in Independence Hall, Philadelphia.

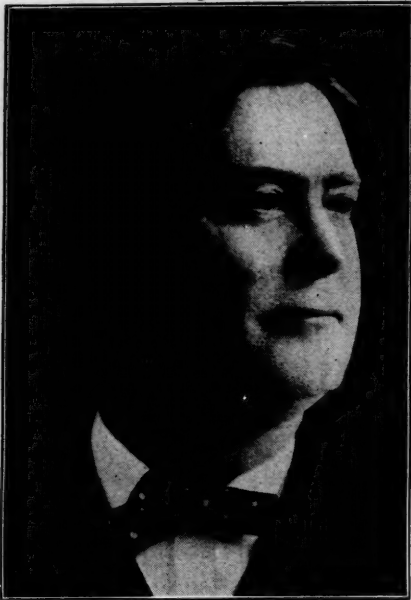


Photo by Clinedinst

SENATOR WILLIAM E. BORAH

Congress at all? Would anybody contend that a bill here introduced for the purpose of establishing a form of religion, or a bill respecting the establishment of religion, would be a subject matter which would be within the power of Congress to deal? And yet that is found in the same sentence with, and was introduced into the Constitution for the same purpose and with the same intent as, the clause with which we are dealing at this time, to wit:

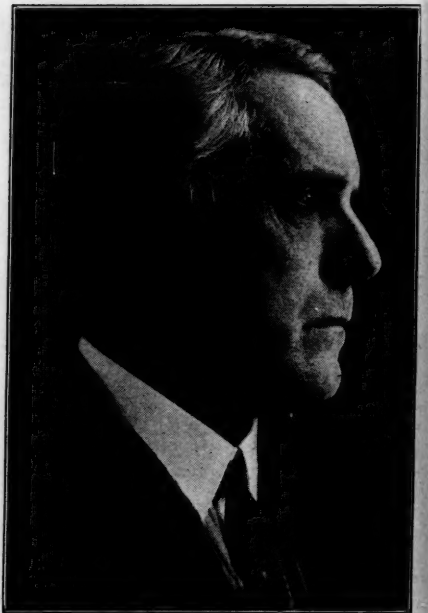
"Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

ENTIRELY BEYOND GOVERNMENTAL CONTROL

When the Constitution was submitted for ratification, two schools of thought took part in the controversy in reference to the question of amendments. One school of thought—and I may say that it was led by Mr. Hamilton—believed that the Constitution did not encompass,

and did not include within it, the power, for instance, to abridge the freedom of the press or to legislate concerning the press at all; and it was not the desire or the design of Mr. Hamilton and his school of advocates that the Congress should have any power concerning the press. He announced in the controversy that it was not the intent of those who framed the Constitution that that subject matter should be within the compass or control of the national government.

The other school of thought, led by Mr. Jefferson, was to the same effect, that the Constitution did not include the subject matter, and that it should not include the subject matter; but, for fear that there might be a construction put upon the Constitution which would include this as one of the powers of the national government, Mr. Jefferson and his friends insisted that there should be an amendment declaratory of the proposition that it should not be included among the powers of the national government. Each school agreed that under



© Harris & Ewing

SENATOR JAMES A. REED

the Constitution Congress could not legislate concerning the press; each school agreed that this should and ought to be true, but the school of Jefferson, anxious that no construction should ever be made which might lead to the exercise of this power, insisted on the First Amendment as a positive declaratory amendment to that effect. And so when the Constitution went to the States for ratification, as you recall, a number of the States insisted that there should be no doubt left in regard to this matter, and ratified it upon condition that the ten Amendments—and I shall confine myself, of course, only to the subject matter under discussion today—should be adopted along with the Constitution, or rather they ratified it upon condition that it should be understood that these Amendments should follow. Mr. Hamilton, in discussing this proposition in the *Federalist*, referring to the First Amendment and the Amendments following, said:

"They would contain various exceptions to powers not granted, and on this very account would afford a colorable pretext to claim more



Photo by Clinedinst

REPRESENTATIVE F. H. LA GUARDIA

than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained when no power is given by which restrictions may be imposed? I will not contend that such a provision,"

to wit, an amendment,

"would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretense for claiming that power. They might urge with a semblance of reason that the Constitution ought not to be charged with the absurdity of providing against the abuse of an authority which was not given, and that the provision against restraining the liberty of the press afforded a clear implication that a power to prescribe proper regulations concerning it was intended to be vested in the national government.

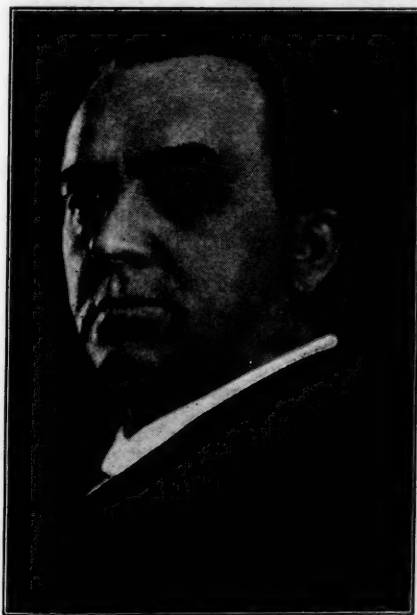
"Therefore,"

said Mr. Hamilton,

"as the power does not exist in the national government to legislate concerning the press, to adopt an amendment with reference to the subject matter would be an implication that the power does exist, and it does not.

"Very well,"

said Mr. Jefferson,



© Harris & Ewing

SENATOR JAMES K. VARDAMAN

"I agree with you that the power is not legitimately here, and that it was not intended to be here, and that it is a subject matter which belongs to the States, the same as the common police power of the States. But there is in the Constitution a provision that Congress shall have power to pass all laws necessary for the purpose of carrying into effect the powers here granted, and it might be held and might be construed to include regulation and legislation concerning the press.

Therefore, accepting your view that it is not among the powers of the general government, and that it should not be among such powers, we ask for a declaratory amendment to the Constitution which shall put it beyond peradventure that it is not one of the powers granted to the national government."

Thus for this reason, and this reason only, the First Amendment to the Constitution, providing that Congress shall pass no law abridging the freedom of the press, was put into the Constitution, not to regulate a power already vested in the national government, not to restrain or curtail that power or provide the means by which it shall be exercised, but a declaratory proposition that the power does not exist in Congress to pass any law concerning or respecting this subject matter. . . .

LINCOLN'S ATTITUDE

In the days of the Civil War, when Mr. Lincoln was being criticized and assailed as no other man in public office ever was by some of the great journals of the country, which are still among our great journals, his reply was that the

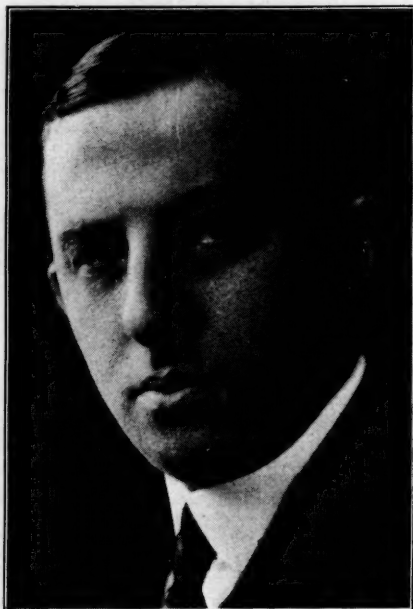
administrators and administration had better suffer some of the evils and some of the sorrows which accompany such work than that the people should lose control of or forfeit the great benefits flowing from the absolute freedom of the press.

Jefferson and Lincoln both always adhered to the principle that the evils of attempting to restrain the press or speech

must be incalculably greater than the evils flowing from their freedom. . . .

Mr. President, in this struggle of democracy, in this crusade for free institutions, let us hold fast among ourselves to those great underlying principles of freedom and liberty without which we may be a republic in name, but could never be one in fact. Without an unfettered press, without liberty of speech, all the outward forms and structures of free institutions are a sham, a pretense

— the sheerest mockery. If the press is not free; if speech is not independent and untrammelled; if the mind is shackled or made impotent through fear, it makes no difference under what form of government you live, you are a subject and not a citizen. Republics are not in and of themselves better than other forms of government except in so far as they carry with them and guarantee to the citizen that liberty of thought and action for which they were established.— *Congressional Record, April 19, 1917, pp. 833-839.*



© Harris & Ewing

REPRESENTATIVE ISAAC S. SIEGEL

From Speech by Senator James A. Reed

I know that newspapers do lots of provoking things. Of course they do. I get mad at them every day. . . . But, Mr. President, the aggregate and sum total of it all is this, that these great organs, spreading the views of first one man and then another, carrying the news of the world to all the other brains, are the vastest force there is in the world for intellectual and moral advancement and for the physical well-being of our race. . . .

It is a singular thing that forming here in line as the torchbearers of democracy, holding aloft banners inscribed with legends to human liberty, it is proposed, before we take a single step forward in that great enterprise, that we shall abandon all of the principles the fathers taught, all the great fundamentals of our democratic union. . . .

This war . . . shall not be won at the expense of the liberties of the American people. Nay; rather, as we emerge from its clouds into the sunlight of peace, let us come as an army of democracy which never repudiated a single article of the creed of liberty. . . . On the banners of our army and our nation let there never be spot or stain of despotism.—*Congressional Record*, May 3, 1917, pp. 1773, 1774.

From Senator Vardaman's Speech

Mr. President, when the storm is raging fiercely and the billows are rolling high, the brave and steady-nerved pilot demands the utmost freedom of action.

No fixed, immutable, cast-iron rules

for steering the ship in such an emergency are observed. . . .

Buckle, in his "History of Civilization," says:

"No great political improvement, no great reform, either legislative or executive, has ever been originated in any country by its rulers.

"The first suggesters of such steps have invariably been bold and able thinkers, who would discern the abuse, denounce it, and point out how it is to be remedied.

"But long after that is done, even the most enlightened governments continue to uphold the abuse and reject the remedy.

A FREE PRESS AND A FREE PEOPLE

The press is the great organ of a free people. It is the medium through which their thoughts are communicated, through which they act upon one another, and by which they reason with, instruct, and move each other. It rouses us to vigilance, warns us of danger, rebukes the aspiring, encourages the modest, and, like the sun in the heavens, radiates its influence over the whole country.—*Senator John Davis of Massachusetts, in a speech before the Senate, April 12, 1836, printed in Congressional Globe for that year.*

"At length, if circumstances are favorable, the pressure from without becomes so strong that the government is obliged to give way, and the reform being accomplished, the people are expected to admire the wisdom of their rulers, by whom all of this has been done." . . .

Mr. President, it is my deliberate judgment, that, in abnormal times, such as in the providence of God our beloved country is passing through today, the

freedom of the press—the privilege of the newspaper to criticize and discuss the acts of officials—to spread broadcast proper news, to furnish the forum in which suggestions may be made touching all public questions, to promote discussion, and in that way encourage the attrition of ideas and the friction of suggestions, which alone make it possible for the eternal truth to be evolved—is vastly more necessary than in normal times, when the current of affairs moves on without a ripple.

WOULD WRECK FABRIC OF DEMOCRACY

There is enough of the dynamite of despotism in this bill to wreck the whole fabric of democracy in America. . . .

Judge Black . . . says:

" . . . In peaceable and quiet times our legal rights are in little danger of being overborne, but when the wave of arbitrary power lashes itself into violence, and rage goes surging up against the barriers which were made to confine it; then we need the whole strength of an unbroken Constitution to save us from destruction." . . .

I realize that error is short-lived, and any advantage obtained by the publication of a lie is ephemeral so long as truth unproscribed is free to combat it.

JEFFERSONIAN PRINCIPLES

I think the observations of Thomas Jefferson on this question are the quin-

tescence of human wisdom. . . . He says:

"One of the Amendments to the Constitution . . . expressly declares that Congress should make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, thereby guarding in the same sentence and under the same words the freedom of religion, of speech, and of the press, in so much that whatever violates either throws down the sanctuary which covers the others."

And further:

"Truth is the proper and sufficient antagonist to error, and has nothing to fear from

(Continued on page 86)

A MENACE TO LIBERTY

By

THE MANAGING EDITOR



THE greatest menace to the liberties of the American people is not that autocracy may be forced upon us by foreign foes, but that, taking counsel of our own fears, we shall surrender, under the stress of war conditions, some of the fundamental safeguards of our cherished liberties.

The war must be won, it is urged; and that it may be won, and won as speedily as possible, extraordinary powers must be granted to the Chief Executive. Our President is a man in whose judgment and justice we all have the utmost confidence. It is proposed, therefore, to create a limited press censorship under his control, he to name the censors and to be himself the final arbiter. But is not this to override and subvert that provision of the Constitution that guarantees the freedom of the press?

We all feel sure that President Wilson will not abuse any power put into his hands; but Mr. Wilson will not always be President. According to the unwrit-

ten law of the nation, four years hence another man, possibly one as yet unknown to fame, will wield any power of censorship now granted by Congress.

Precedents are sometimes dangerous things. If the Constitution is overridden now or wrongly interpreted in the interests of various war measures, is there not danger that the same thing will be done again and again, and each time under circumstances of less and less stress, until finally every provision that stands in the way of the exercise of arbitrary power will be swept away, and we have in fact, if not in name, an autocracy as real, and possibly as arbitrary and unrestrained, as that against which we as a nation have been called upon to draw the sword?

This is no time for captious criticism, nor for anything that tends in any way to weaken the hands of the President, but is there not here a real danger against which we should be on our guard? Cannot our nation's existence and freedom be preserved without the sacrifice of the freedom of speech and of the press? We believe this can and will be done.

Censorship and the Police Power

By

C. P. BOLLMAN

APRIL 19, in discussing certain provisions of the espionage bill (S. 2), a Senator sought to justify the press censorship feature of the measure by appeal to that greatly over-worked phase of government known as "the police power."

This Senator quoted from *Patterson v. Kentucky* (97 U. S., 504):

"The police power extends, at least, to the protection of the lives, the health, and the property of the community against the injurious exercise by any citizen of his rights."

And again he cited the opinion of Chief Justice Redfield in the case of *Thorpe v. Rutland & Burlington R. R. Co.* (27 Vermont, 149, 150), in which his honor said that the police power extends—

"to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection of all property; . . . and persons and property are subjected to all kinds of restraints and burdens in order to secure the general comfort, health, and prosperity. . . . Of the perfect right of the legislature to do this no question ever was, or, upon acknowledged principles, ever can be made."

But it should not be forgotten that even the police power has its limitations. Under the general police power of a city the height of buildings may be and frequently is limited. Suppose, however, that the charter of a city contained these words: "Provided, however, that the corporation authorized and created by this charter shall have no power to pre-

scribe the style or to limit the height of buildings," would anybody seriously insist that these things might still be done under the general police power?—Certainly, not. Then why argue that notwithstanding the prohibition of the First Amendment to the Constitution, Congress has the right under the general police power and for the protection of the government, to restrict the freedom of the press, or in other words, to do the very thing the Constitution forbids it to do?

The First Amendment also provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." If that part of Article I of Amendments, designed to guarantee freedom of speech and of the press may be overridden and

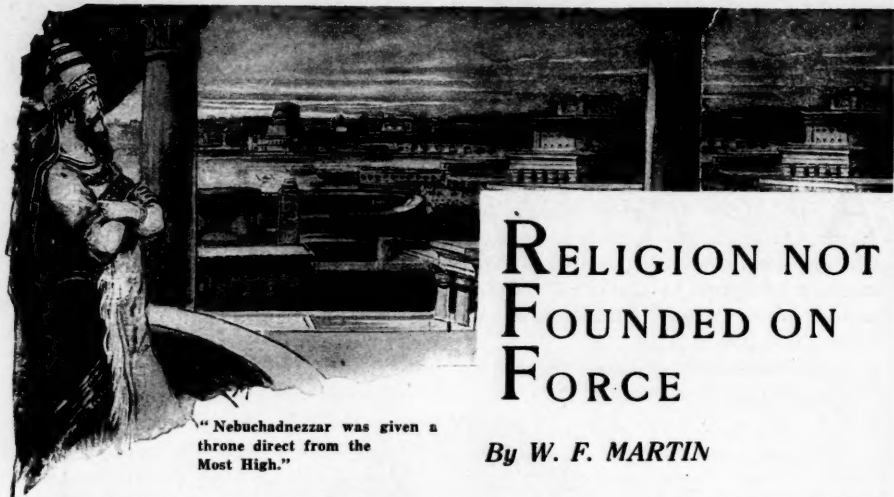
disregarded under the general police power of the government, why may not the entire article be set aside in the same way, and a national religion be established, for the sake of the stability and safety of the government?

There can be no question that uniformity of religious faith is a great element of strength in a government. It was for this reason that some of the best emperors of Rome, Marcus Aurelius, for example, felt it incumbent upon them to persecute the Christians, who not only held themselves aloof from the pagan forms of worship, but opposed war and

(Continued on page 93)



MARCUS AURELIUS



"Nebuchadnezzar was given a throne direct from the Most High."

RELIGION NOT FOUNDED ON FORCE

By W. F. MARTIN

THOUGH we walk in the flesh, we do not war after the flesh: (for the weapons of our warfare are not carnal, but mighty through God to the pulling down of strongholds)." 2 Cor. 10: 3, 4.

"Then said Jesus unto him, Put up again thy sword into his place: for all they that take the sword shall perish with the sword." Matt. 26: 52.

It would be hard to find two scriptures more to the point than those quoted above. Civil governments, however strong, are transitory. Even the greatest nations of the past, whose laws were founded in the highest wisdom of the times, were not able to endure. They were built by the wisdom of man, and upheld by the sword. Mighty men, mighty warriors, ruled over them, but the kingdoms passed away. The best governments have been those which have used the least force, but have won the hearts of the people by justice and freedom.

There is no question but that civil government is right and justified in the enforcement of law. Governments are ordained of God to regulate the relations of man to man. Those set to administer the laws are to mete out justice for loyalty and to punish those who invade the rights of their fellows. Civil govern-

ment is not ordained of God to regulate the course of its citizens in their duties which relate to God. Nebuchadnezzar was given a throne direct from the Most High. He was rebuked when he undertook to regulate how and when his subjects should worship. Paul enjoins us to be subject to the powers that be, and yet he preached the gospel in direct violation of the Roman law, and was finally put to death under that law.

The church of God is founded upon the eternal rock of truth. The power of hell has always resisted it, and still, without force of arms or authority of civil law, it won its place, nor does it today need arm of flesh or carnal weapon for its support. By its simple beauty it has ever triumphed over its foes, breaking through defenses harder than stone walls or cement. It has won its way, not by might, but by the one compelling and conquering power, the Holy Ghost. When men have thought to aid its work by civil legislation, it has been a hindrance to its progress. Left to itself, the ark was safe; but surrounded by the armies with

"He was rebuked when he undertook to regulate how and when his subjects should worship."



swords, it was taken captive. Placed on a wagon pulled by young kine, it came back to Israel, a blessing to the land; but steadily by Uzzah, it dealt out death.

"Put up again thy sword into his place: for all they that take the sword

shall perish with the sword." "Though we walk in the flesh, we do not war after the flesh: (for the weapons of our warfare are not carnal, but mighty through God to the pulling down of strongholds)."

Riverside, Cal.

WHICH IS THE GREATER MENACE?

By

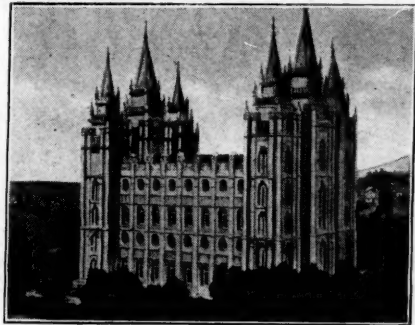
C. P. BOLLMAN

THE *Christian Statesman* is still insisting, as it has insisted for several years, that the domination of Utah by the officials of the Mormon Church constitutes in that commonwealth a virtual union of church and state. In its issue for April, the *Statesman* quotes from a report by the Senate Committee on Privileges and Elections in 1906:

"The first presidency and apostles of the church . . . exercise a controlling influence over the action of the members of that church in secular affairs as well as in spiritual matters; and, contrary to the principles of the common law, under which we live, and the constitution of the State of Utah, they dominate the affairs of the State and constantly interfere in the performance of its functions. . . . The union of church and state in those States dominated by the Mormon hierarchs is most abhorrent to our free institutions."

Nevertheless the *Christian Statesman* insists, in season and out of season, that the government of the United States shall be dominated by its own particular brand of religion, so that no department of the government shall do anything unless it is first hall-marked by the truly orthodox Christians who train with the National Reform cohorts. In short, it amounts to about this: State domination by a priesthood is all right if it is only the National Reform priests, but it is all wrong if it be the Mormon or the wicked priests of some other nonorthodox sect.

Now LIBERTY magazine has no more in common with Mormons than has the *Christian Statesman*. Indeed, so far as articles of faith are concerned, we would probably agree far more nearly with the



MORMON TEMPLE, SALT LAKE CITY

Statesman than with the followers of Joseph Smith; but we would make little difference between heterodoxy and orthodoxy enforced by the state, for as we view it, neither can remain Christian when it becomes allied with the state.

The union of church and state is adulterous in any case. Its offspring can be nothing but strange children, and there can be only small choice between them.

The *Statesman* professes to fear that Mormonism will yet dominate this country. We have no such fear. Besides, we might as well fall into the hands of State-entrenched Mormonism as into the power of legalized National Reform. History teaches us what the National Reformers would do if they could. We can only judge in a general way what the Mormons would do: they might not be so bad as the others, but again they might be worse. We are, therefore, in favor of maintaining the First Amendment as it is, and of keeping the church and the state forever separate, in harmony with the wise advice of General Grant when he was President.

The Civil Sabbath a Religious Cat's-Paw

By
KIT CARSON RUSSELL

THE champions of religious legislation have in vain endeavored to hide the religious character of enforced Sunday observance under the transparent covering called the "civil sabbath." It is evident from an editorial in the *World*, of New York City, under date of Dec. 20, 1916, that the "civil sabbath" fraud cannot pass unchallenged by the public. The editorial was written the past winter when the campaign was on to defeat the movement for legislation in the interests of moving picture shows on Sunday. In speaking of the effort on the part of the church element to raise money to defeat the proposed measure for the running of the Sunday picture shows, the editor says:

"That act is essentially religious. It assumes to sanctify a particular day, to force its observance on millions of people, many of whom do not regard it as holy. Out of respect for religious sentiment the courts have sustained the law, but if such a statute were to be proposed today as an original proposition, it would be judicially nullified as promptly as would an act establishing a state church. . . . An impressive exhibition at this time of the narrow spirit to which we were indebted for the law in the first place, would be likely to set in motion forces that might not be appeased by partial emancipation from a tyranny long endured."

It is plainly to be seen from the foregoing quotation from the *New York World*, that the editor recognized that the movement in the interest of Sunday legislation is solely a religious one. The editor further recognizes that Sunday legislation is as much a violation of the

principles of our government as an act would be to establish a state church.

The Sabbath is a religious institution, and all legislation regarding Sabbath observance is religious in character, and therefore both un-Christian and un-American. The state has to do only with questions of a civil character, not with religious forms and institutions.

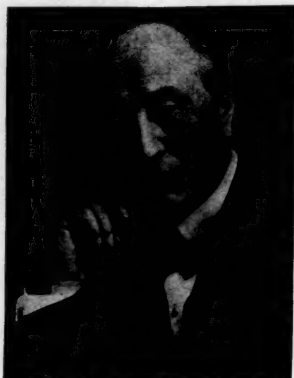
The idea of a civil sabbath can be easily exposed. We have civil holidays, namely, the Fourth of July, Washington's Birthday, etc., but who ever heard of people being prohibited from doing on those days whatever they might choose to do, provided the things they did were not uncivil? This is not the case with the laws regarding the observance of Sunday; for everything is prohibited excepting

works of necessity and charity.

While this magazine is not attempting to defend the moving picture shows on any day, it believes that if they are legitimate on other days of the week, they are equally legitimate on Sunday, and should not be restricted unless it can be shown that they are uncivil. Then they should be prohibited from running not only on Sundays, but on all days of the week.

Should there be any lingering doubt as to the religious character of Sunday legislation, the following from the late Justice Brewer will forever settle the question:

"Indeed, the vast volume of official action, legislative and judicial, recognizes Sunday as a day separate and apart from the others, a



© Harris & Ewing

JUSTICE DAVID BREWER

day devoted not to the ordinary pursuits of life. It is true, in many of the decisions this separation of the day is said to be authorized by the police power of the State and exercised for purposes of health. At the same time, through a large majority of them there runs the thought of its being a religious day, consecrated by the commandment, 'Six days shalt thou labor, and do all thy work: but the seventh day is the Sabbath of the Lord thy God:

in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates.'

The religious character of Sunday laws is so transparent that no one should be deceived thereby, especially those who compose our lawmaking bodies.

Rochester, N. Y.

A NEW *and* DRASTIC SUNDAY BILL

By

OUR OWN REPORTER

MAY 11 a new Sunday bill was introduced into the upper house of Congress by Senator Smith of Maryland. This bill, which is S. 2260, reads as follows:

"A BILL

"To protect the Lord's day, commonly called Sunday, from desecration and to secure its observance as a day of rest in the District of Columbia.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act it shall be unlawful in the District of Columbia for any person to labor or employ any person to labor or to pursue any trade or secular business on the Lord's day, commonly called Sunday, works of necessity and charity always excepted.

"SECTION 2.—That from and after the passage of this Act it shall be unlawful in the District of Columbia to keep open or use for secular purposes any dancing saloon, theater, bowling alley, place of public assembly or amusement for secular purposes, to engage in unlawful sports on the Lord's day, commonly called Sunday.

"SEC. 3.—That from and after the passage of this Act it shall be unlawful in the District of Columbia for any person, firm, corporation, or municipality, or any of their agents, directors, or officers, to require or permit any employees engaged in works of necessity or charity, excepting in household service, to work on the Lord's day, commonly called Sunday, unless within the next succeeding six days during a period of twenty-four consecutive hours he or it shall neither require nor permit such employee to work in his or its employ.

"SEC. 4.—That any person who shall violate any of the provisions of this Act shall,

on conviction thereof, be punished by a fine of not less than \$5 nor more than \$50 for the first offense, and for each subsequent offense by a fine of not less than \$25 nor more than \$500, or by both fine and imprisonment in the jail of the District of Columbia for a period of not less than one month nor more than six months, in the discretion of the court.

"SEC. 5.—That all prosecutions for violation of this Act shall be in the police court of the District of Columbia."

The bill "was read twice and referred to the committee on the District of Columbia."

It will be observed that Mr. Smith's proposed law is avowedly religious, being "a bill to protect the Lord's day, commonly called Sunday, from desecration and to secure its observance as a day of rest in the District of Columbia."

To desecrate is "to divest of a sacred character or office; to divert from a sacred purpose; to violate the sanctity of; to profane;" etc.

Now Mr. Smith's bill candidly and openly proposes to prevent all this, and of course to secure the very opposite, namely, "its observance as a day of rest in the District of Columbia."

Therefore Congress is asked to declare by the passage of S. 2260 that "the Lord's day" is the day "commonly called Sunday." And further, that it is "sacred" and "consecrated," for only that can be desecrated which has previously been consecrated.

The bill proposes to forbid "any person to labor or to pursue any trade or

secular business on the Lord's day, commonly called Sunday." Secular is opposed to sacred or religious. Therefore, by this bill it is proposed that the Congress of the United States shall decide that Sunday is the Lord's day, that it is a consecrated or sacred day, and provide for the punishment by fines and imprisonment of all and singular in the District of Columbia who do not observe this consecrated day as a day of rest.

Including the title, four several times in the thirty-six lines of this bill is "the Lord's day" declared to be "the day commonly called Sunday," and punishments are provided for those who refuse or neglect to observe that day, running from \$5 to \$50 for the first offense, and from \$25 to \$500, or by "both fine and imprisonment in the jail of the District of Columbia for a period of not less than one month nor more than six months, in the discretion of the court," "for each subsequent offense."

This for failure or refusal to observe a sacred or religious institution! And this too in the face of that prohibition of the Constitution that specifies that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Is Sunday an institution of religion? Is it or is it not esteemed a sacred or holy day? Mr. Smith's bill asserts that it is, four times in four of its several sections, including the title. Then what is it to require by law and under penalty that any man shall observe it, but to prohibit the free exercise of religion?

A man is not free to do that which he is compelled to do. The merchant thanks his customer when he pays for the goods

he has purchased, for the vendor recognizes the fact that the vendee was under no obligation to buy *his* wares, but might have gone elsewhere. But what tax collector even thanks the property owner who pays his taxes? The man who buys at the store is free to buy or not to buy. The man who pays his taxes is not free to pay or not to pay; he must pay.

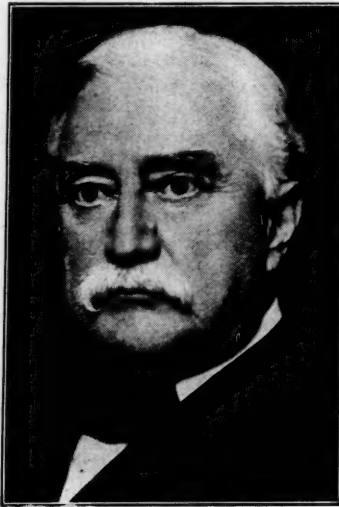
In like manner the man who believes that Sunday is the Lord's day, and who observes it from choice, is free; but the man who is required under penalty to observe it is not free, and the law that imposes the requirement upon him is a law prohibiting the free exercise of religion.

S. 2260 ought to be thrown out or defeated upon Constitutional grounds, and we believe that it will be so prevented from becoming law. The men who have shown their fidelity to a part of the First Amendment by refusing to enact press

ensorship even under pressure of war conditions, will not, we feel sure, overlook and ignore another equally clear guaranty of the same article.

The recent discussion of the censorship provision of the espionage bill served not only to emphasize in the minds of the whole people the importance of maintaining unimpaired the freedom of the press and of speech, but it centered attention also upon that provision that guarantees freedom of conscience. As the guar-

anty of the freedom of the press "cannot be limited without being lost," so the guaranty of religious liberty once violated becomes of no effect. The First Amendment means just what it says and all that it says in all its parts, or it means absolutely nothing.



Clinedinst

SENATOR JOHN WALTER SMITH

IS BASEBALL A NUISANCE?

By C. P. BOLLMAN



A DISPATCH from Chattanooga, Tenn., under date of April 15, printed in the *Washington Post* of the following morning, states that the president, the secretary, and the manager of the local baseball club, and also the manager of the Atlanta club, were arrested, charged "with doing business on Sunday, and creating and maintaining a nuisance."

But why a nuisance? Match games of baseball are played upon inclosed grounds. Nobody sees them except those who want to. Nobody is disturbed by them, except mentally. Then in what way are they nuisances? Is it not solely because such games are out of keeping with the legalized religious character of Sunday?—Certainly; there can be no other reason.

This is true today in Tennessee. Similarly, there was a time in Virginia when episcopacy was the only legal form of worship, and any other worship was illegal and a "nuisance." Presbyterians and Baptists held meetings in violation of the statute, and for this they were punished as criminals. The Baptists were especially offensive, partly because they practiced immersion instead of sprinkling or pouring. On such occasions rude fellows of the baser sort would interrupt the services by throwing sticks and stones, by "cat calls," etc. This was certainly a breach of the peace, but the authorities, instead of arresting and prosecuting the real offenders, held the Baptists responsible.

Of course the cases are not exactly parallel, for playing baseball on Sunday is not a religious service, and men do not feel that they must engage in it. But the cases are parallel in this, that those who want to play ball on Sunday are forbidden to do so because of the religious convictions of other men. The "disturbance" and the "nuisance" is due, not to the act of the ball players, but to the prejudices of those who do not play on Sunday. People are mentally disturbed. They feel just as Roman Catholics feel in certain cities of Europe, South America, and Mexico when the "host" is borne through the streets and Protestants refuse to remove their hats and bow the knee when they meet the procession, headed by the bishop or other dignitary, carrying the monstrance.

The principle is the same. The believers in the mass insist that others shall recognize its divinity by uncovering the head and bowing the knee. Believers in Sunday sacredness insist that all men shall recognize the sacredness of that day by abstaining from labor and amusement upon it. And this is true in Tennessee, notwithstanding the constitution of the State says that "no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishment or mode of worship."

Why then should those who want to play ball on Sunday be forbidden to do so?



Reaction in Mexico Religious De

By LEON CAV

AS the despotic control exercised by the Roman Catholic Church was largely instrumental in bringing about many of the excesses of the French Revolution, so the aggressions of that selfsame church are responsible for some phases of the present Mexican revolution. The only form of Christianity with which the French people were acquainted was the Roman Catholic. When the French government, therefore, turned against that church, it became frankly antireligious. In like manner, in seeking to protect itself against Roman Catholic aggression, the new Mexican constitution, promulgated Feb. 5, 1917, really violates in many respects the true principles of religious liberty.

There are only three theories possible as to the proper relationship between church and state. First, it may be claimed that the church should dominate the state. That is the Roman Catholic doctrine. Second, it may be held that the state should control and regulate the church. This was the view held by the great pagan nations of antiquity, and strange to say, it still prevails in some nations, which, while they have broken away from the papal idea of a state dominated by a church,

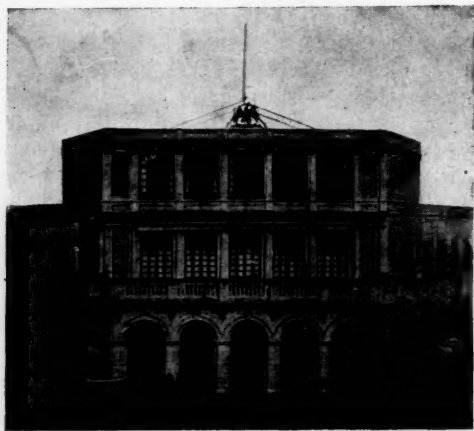


The Cathedral, Mexico

have not advanced as far as complete separation of church and state. Lastly, it may be maintained that the church and the state should be entirely separate. This is the true American doctrine.

This fundamental principle of the separation of church and state, makes it improper for the state to interfere in any way with the free exercise of religious practices, or to deny to any man his natural rights because of his religious affiliations. Article XXIV of this new Mexican constitution offers certain guarantees in these respects. It reads:

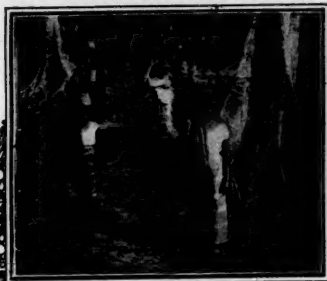
"ARTICLE XXIV.—Every man is free to embrace the religion of his choice, and to practice such ceremony, devotions, or observances of the respective creed, either in places



Chamber of Deputies, Mexico City

n Mexico Against us Despotism

LEON CAVINESS



Underwood & Underwood, N. Y.



Cathedral Mexico City

of public worship or at home, provided they do not constitute an offense punishable by law.

"Every religious act of public worship shall be performed strictly within the places of public worship, which shall be at all times under governmental supervision."

The article does not, however, guarantee the freedom enjoyed by the citizens of the United States, for here religious services may be held in tents (as is done at camp meetings), on the streets (a favorite method with Salvation Army workers), or at the graves of our dead. What a protest would be made, and rightly so, if it were proposed to place all church buildings in the United States under continual government supervision!

Corporate associations being creatures of the state, it may be expedient, in view of the abuses of the Roman Catholic Church in Mexico, to deny to all church organizations the right to hold real estate, but on what principle of justice can the following provisions be upheld?

"ART. XXVII, SEC. 3.—Public and private charitable institutions for the sick and needy, for scientific research, or for the diffusion of knowledge, mutual aid societies, or organizations formed for any other purpose shall in no case acquire, hold, and administer loans made on real property, unless the mortgage terms do not exceed ten

years. In no case shall institutions of this character be under the patronage, direction, administration, charge, or supervision of religious corporations or institutions, nor of ministers of any religious sect or of their dependents, even though either the former or the latter shall not be in service."

How can it be held criminal for a church to patronize, direct, or supervise a private charitable institution?

It is commonly recognized that true religious liberty includes not only the right of the individual to embrace any religion he may choose, but also the right to use persuasion, but not force, to get others to accept the religion of his choice. It is also usually considered not only his privilege but his duty to provide religious education for his own children,



Underwood & Underwood, N. Y.

An Open-Air School in Mexico

and for any other youth who may be willing to pay the necessary expense of such private education. But the third article of the document under discussion makes religious primary schools impossible.

"ART. III.—Instruction is free; that given in public institutions of learning shall be non-sectarian. Primary instruction, whether higher or lower, given in private institutions shall likewise be nonsectarian.

"No religious corporation nor minister of any religious creed shall be permitted to establish or direct schools of primary instruction.

"Private primary schools may be established only subject to official supervision.

"Primary instruction in public institutions shall be free."

The Mexican constitution goes still farther and directly discriminates against its citizens because of church affiliation. According to Section 4, of Article LXXXI, a citizen who belongs to any ecclesiastical order or is a minister of any creed is disqualified to act as president of the republic. Though ministers of religious creeds are considered as persons exercising a profession, rights which members of other professions have are denied to members of this profession. A minister is disfranchised because of his profession; he is ineligible to public office, cannot inherit property, save from his immediate relatives, cannot teach in a primary school, and is not allowed to express an opinion on political matters either publicly or privately.

Though Article VII guarantees "freedom of writing and publishing writings on any subject," it is only the secular press that is thus free. A religious periodical may not publish any comment upon any political affairs of the nation. Where would American freedom of the

press be if such restrictions were enforced here?

It is asserted in Article CXXX, that the federal authorities have the right to

exercise power in matters of religious worship, a claim which is utterly contrary to true religious liberty. The article specifies what points this power shall cover, and though it is somewhat lengthy, we quote:

"ART. CXXX.—The federal authorities shall have exclusive power to exercise in matters of outward ecclesiastical religious worship and forms, such intervention as by law authorized. All other officials shall act as auxiliaries to

the federal authorities.

"The Congress shall not enact any law establishing or forbidding any religion whatsoever.

"Marriage is a civil contract. Marriage and all other acts relating to the civil status of individuals shall appertain to the exclusive jurisdiction of the civil authorities in the manner and form by law provided, and they shall have the force and validity given them by said laws. . . .

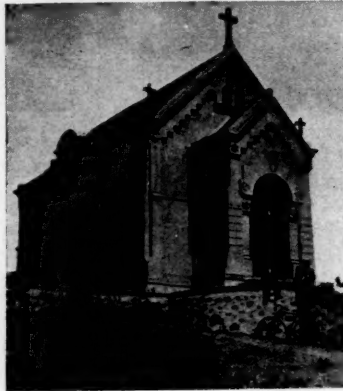
"The law recognizes no corporate existence in the religious associations known as churches.

"The ministers of religious creeds shall be considered as persons exercising a profession, and shall be directly subject to the laws enacted on the subject.

"The state legislatures shall have the exclusive power of determining the maximum number of ministers of religious creeds according to the needs of each locality. Only a Mexican by birth may be a minister of any religious creed in Mexico.

"No ministers of religious creeds shall, either in public or private meetings, or in acts of worship or religious propaganda, criticize the fundamental laws of the country, the authorities in particular, or the government in general; they shall have no vote, nor be eligible to office, nor shall they be entitled to assemble for political purposes.

"Before dedicating new temples of worship for public use, permission shall be obtained from the Department of the Interior (*Gobernacion*); the opinion of the respective govern-



MAXIMILIAN TEMPLE, QUERETARO, MEXICO

nor of the state shall be previously heard on the subject. Every place of worship shall have a person charged with its care and maintenance, who shall be legally responsible for the faithful performance of the laws on religious observances within the said place of worship, and for all the objects used for purposes of worship.

"The caretaker of each place of public worship, together with ten citizens of the place, shall promptly advise the municipal authorities as to the person charged with the care of the said place of worship. The outgoing minister shall in every instance give notice of any change, for which purpose he shall be accompanied by the incoming minister and ten other citizens of the place. The municipal authorities, under penalty of dismissal and fine, not exceeding one thousand pesos for each breach, shall be responsible for the exact performance of this provision; they shall keep a register of the places of worship and another of the caretakers thereof, subject to the same penalty as above provided. The municipal authorities shall likewise give notice to the Department of the Interior through the intermediary of the state governor, of any permission to open to the public use a new place of worship as well as of any change in the caretakers. Gifts of personality may be received in the interior of places of public worship.

"Under no conditions shall studies carried on in institutions devoted to the professional training of ministers of religious creeds be ratified or be granted any other dispensation of privilege which shall have for its purpose the ratification of the said studies in official institutions. Any authority violating this provision shall be punished criminally, and all such dispensation of privilege be null and void, and shall invalidate wholly and entirely the professional degree toward the obtaining of which the infraction of this provision may in any way have contributed.

"No periodical publication which either by reason of its program, its title, or merely by its general tendencies, is of a religious character, shall comment upon any political affairs of the nation, nor publish any information regarding the acts of the authorities of the country or of private individuals in so far as the latter have to do with public affairs.

"Every kind of political association whose name shall bear any word or any indication relating to any religious belief is hereby strictly forbidden. No assemblies of any political character shall be held within places of public worship.

"No minister of any religious creed may inherit, either on his own behalf or by means of a trustee or otherwise, any real property occupied by any association of religious propaganda or religious or charitable purposes. Ministers of religious creeds are incapable legally of inheriting by will from ministers of the same religious sect or from any private individual to whom they are not related by blood within the fourth degree.

"All real and personal property pertaining to the clergy or to religious institutions shall be governed, in so far as their acquisition by private parties is concerned, in conformity with Article XXVII of this Constitution.

"No trial by jury shall ever be granted for the infraction of any of the preceding provisions."

Even the right of trial by jury denied! Surely this is a far cry from the true

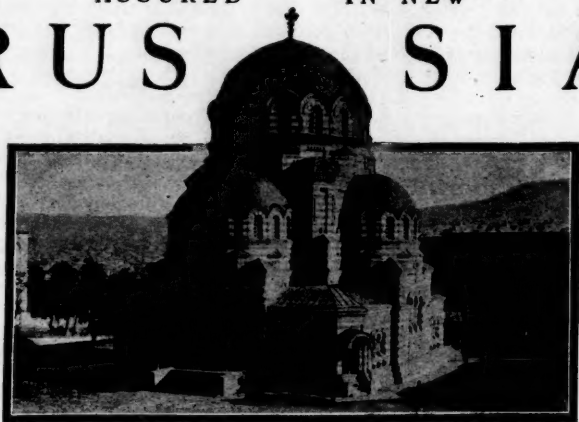
principles of republican government. Rather, it is a case of an attempt to use Rome's own weapons against her; a substitution of domination of the church by the state for domination of the state by the church. Let us hope that our sis-



MARKET HOUSE, TEHUANTEPEC, MEXICO

ter republic to the south may soon repudiate such principles, and establish instead a government where church and state shall be entirely and truly separate, and all citizens enjoy genuine civil and religious liberty to the fullest extent; yea, may the time soon come when all men shall recognize the fundamental political truth underlying Christ's command to his disciples, "Render to Caesar the things that are Caesar's, and to God the things that are God's." Mark 12: 17. Here the line is so clearly drawn between church and state that none need err—even he who runs may read and understand.

RELIGIOUS LIBERTY ASSURED IN NEW RUSSIA



A RUSSIAN CHURCH

By C. S. LONGACRE

AN Associated Press dispatch was received from Petrograd, April 4, which reads as follows:

"The Russian provisional government to-day repealed all laws actually in force limiting the rights of Russian citizens regarding creeds and religions."—*The Philadelphia Press*, April 5, 1917.

Terrible as this war has been in the loss of human life and the destruction of property, still God is causing the wrath of man to praise him, and is turning the folly of men to the triumph of his own cause of truth and right. The time of divine enlightenment is at hand, and if kings and kingdoms stand in the way of the onward march of God's truth, he will remove and abase them so that the freedom of the gospel may be unlimited in its scope. The gospel as it is in Jesus is to go to all nations, and no power on earth is strong enough to limit it in its operations.

The principles of truth, liberty, and justice are eternal, and in time they will prevail over every foe. The consummation of God's great plan of redemption and restitution may be delayed, but ultimately righteousness will reign from sea to sea, and God's glory will fill the earth.

God's own arm will bring him the victory over all his enemies. His kingdom will never be established by human devisings and earthly councils, or ushered in "through the gateway of politics;" but by his own act of divine intervention the Lord will overthrow the powers of darkness, and usher in the everlasting kingdom of righteousness, which has been promised to the faithful of all ages since the fall of man.

God can do in one day more than the whole world can accomplish in a thousand years. He is breaking down barriers, that his word may run without let or hindrance, so that every creature may come under its saving influence. We are living in the day when divine prophecies are being literally fulfilled. The world is plunging toward an inevitable catastrophe, and only God is able to bring salvation. The coming of the Lord Jesus Christ is the only remedy. "He [God] shall send Jesus Christ, which before was preached unto you: whom the heaven must receive until the times of restitution of all things, which God hath spoken by the mouth of all his holy prophets since the world began."

California Legislature

--- Against ---

Religious Legislation

By

WILLIAM MAYHEW HEALEY

MANY efforts to obtain a Sunday law in California have been openly made by representatives of religious bodies since A. D. 1883, when the former law was repealed.

California legislators have been chary about making laws of a religious character, regarding them as unconstitutional and unsafe. To overcome this difficulty, secular organizations were appealed to, and efforts made to arouse them to ask for a Sunday-rest law. In this they met with a degree of success, especially among the union barbers.

In the legislature of 1917 a Sunday-rest measure was introduced into both houses. It was called a labor measure, and its principal advocate was a representative of the barbers' union. The chief supporters of the bill in the assembly, where it was discussed, were those who advocated the open saloon. They were sometimes called the "whisky ring." No "preachers" appeared at any time to speak for the bill, although its Sunday-rest features were almost identical with the measure advocated by religious teachers in 1914, which was defeated by a vote of the people by a majority of 167,211.

Judging by the class of people appearing as proponents of this latest Sunday bill, that of the present year,

1917, some thought it must be just what they claimed for it,—merely a labor measure to give the barbers, the butchers, and the grocers a day of rest. The nature of an evil is not changed, however, by a change of its supporters. Sunday as a day of rest had its origin in religious dogma, and to compel its observance

is to enforce a religious doctrine, whether it be done by a preacher or by some one who was never even suspected of having any religion. A law is not needed to enable the barbers and others to close their places of business on Sunday. They can close on Sunday now if they choose to do so. The law was really wanted to compel those to close business on Sunday who do not want to do so. The spirit of the proponents of the law was, We want to and can close. You refuse to, but we will compel you to do what we want to do.

It soon became apparent that there was not sufficient strength in the party

THE
CALIFORNIA
STATE
CAPITOL



advocating the Sunday-rest bill to pass it in the assembly, even if the party were

fully united upon the measure, which it was not. After much discussion the bill was amended and passed the assembly. Leo R. Friedman, of San Francisco, gave notice, however, that he would move a reconsideration the following day. In the meantime some of the members supporting the bill made it plain to their representatives in the legislature that while they were willing to allow Sunday closing for those who wanted it, they did not propose that it should be forced upon those who did not want it. The final vote showed that the assembly had a number of very obliging men whose principles allowed them to change sides on questions as readily as a Mexican soldier can change from one army to another, and they rallied, this time on the right side, and defeated the measure, leaving California where it has stood for thirty-four years,—a free State.

San Diego, Cal.

Speeches Which Saved Freedom of the Press to America

(Continued from page 72)

the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate."

And continuing, he says:

"There are rights which it is useless to surrender to the government, and which governments have yet always been found to invade. Among these are the rights of thinking and publishing our thoughts by speaking or writing.

"Our liberty,"

he continues,

"depends upon the freedom of the press, and that cannot be limited without being lost."

And further —

"The press is the best instrument for enlightening the mind of man and improving him as a rational, moral, and social being."

And another truth he expresses, which I would especially impress upon the minds of the country today:

"That where the press is free and every man is able to read, all is safe. . . . The only security of all is in a free press. The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be subjected to. It is necessary to keep the waters pure."

Mr. President, those wise words spoken a hundred years ago are strikingly pertinent to the present-day conditions, and cannot be overlooked without detriment to the nation.

AUTOCRATIC POWER INTOXICATES

It is very natural for men in authority to desire power—it is the natural impulse of the heart and promptings of the vanity of every potentate that his will is the best and wisest law for the government of all. There is no draft that makes such a dangerous drunk as power. Some wise man has observed that "power will intoxicate the best hearts as wine the strongest heads. No man is wise enough nor good enough to be trusted with unlimited power, for whatever qualification he may have evinced to entitle him to the possession of so dangerous a privilege." . . .

It is also a truth, let me assert again, proved by history and the experience of mankind, that even under the best forms of government those intrusted with absolute power have invariably converted it into a tyranny. It is well, therefore, to avoid everything that has in it the elements of ultimate despotism. The best way to avoid the dangers of an error is not to commit it; but if committed, minimize its evil consequences by killing it in embryo. The American people can be trusted to do that which is best for their own government. The irresistible influence of self-interest assures that. I would rather trust the feelings and the wisdom of all the people than the judgment of any one man or small coterie of men. . . .

THE TYRANNY OF THE FEW

The world is passing through a trying ordeal. The old landmarks that pointed

(Continued on page 90)

IS THE SEPARATION OF CHURCH AND STATE A MISFORTUNE?

WHETHER the religion be pagan, papal, or Protestant, to unite it with the state is wrong, and can result only in disaster. All history confirms this statement, from the time of the Pharaohs to the time of the Puritans. Strange to relate, men in our time are clamoring for a union of religion with the state, notably those who are connected with the National Reform Association. Others tell us that the separation of church and state is a misfortune.

Rev. Father Phelan is dead, yet his words follow him. The *Western Watchman*, of St. Louis, the organ of the deceased priest, still publishes his sermons. Mr. Phelan tells us in the *Watchman* of April 16, 1916, that the separation of church and state is a misfortune:

"In our day we claim that the church and state should be separated. Oh, what a horrid thought that is! You might as well say that man and God should be separated. The state separate from the church means the citizens of the state separated from the child of God. No, the church is supreme; her law must be obeyed by kings and peasants alike; and the man that violates the law of the church is a criminal in the eyes of God, and should be so regarded by men. To violate a law of the church is wrong, a wrong that no plea of human freedom can excuse. It is a wrong, a wrong now; it will be a wrong on judgment day; it will be a wrong throughout eternity. Even the Catholics favor the theory of separation of church and state. Maybe it is the best if the state persists in being heathen. The best thing for a man and woman who cannot agree in wedlock is for them to separate, but it is a misfortune for both. If the kings cannot leave the church alone, and if the church in union with the state cannot

have her rights protected, then let them separate; but it is a misfortune for both."

To Mass on Sunday,
or to Jail

The service of God, a service acceptable to him, must be altogether voluntary. Compulsion in religion is abhorrent to a man who is free; it is hated by the "God and Father of us all."

To put a man behind prison bars because of his failure to attend mass on Sunday, is certainly

contrary to the spirit of the Americanism of the founders of the Republic of the United States. Yet this proposition is made in this the one hundred and fortieth year of the Republic:

"The ideal condition, and the condition that Jesus Christ had given us a model to go by, is a free church, a church free to make known to the world the whole counsel of God, and not an absolutely free state, but a state that stands by the church and enforces her ordinances. We do not like that, even we Catholics. We would not like to have a policeman visit us on Sunday evening and say, 'You were not at mass this morning; come with me, I will put you in jail.' You would not like that, but I would like it very much. I hope to God the day may come when every Catholic who won't go to mass on Sunday will be landed behind the bars before sundown. Unworthy, degraded Catholics who trample on the law of the church and on the laws of God, and claim the right to do it because of their liberty, should be punished. The liberty to stay away from mass on Sunday,—that is the liberty that St. Peter speaks about, which these Catholics make a cloak of malice. The laws of the church are coming to be regarded by Catholics as the well-meaning counsels of a good old mother in her dotage."—*Ibid.*

If Mr. Phelan has expressed the true spirit of the laws of his church, then it



fully united upon the measure, which it was not. After much discussion the bill was amended and passed the assembly. Leo R. Friedman, of San Francisco, gave notice, however, that he would move a reconsideration the following day. In the meantime some of the members supporting the bill made it plain to their representatives in the legislature that while they were willing to allow Sunday closing for those who wanted it, they did not propose that it should be forced upon those who did not want it. The final vote showed that the assembly had a number of very obliging men whose principles allowed them to change sides on questions as readily as a Mexican soldier can change from one army to another, and they rallied, this time on the right side, and defeated the measure, leaving California where it has stood for thirty-four years,—a free State.

San Diego, Cal.

Speeches Which Saved Freedom of the Press to America

(Continued from page 72)

the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate."

And continuing, he says:

"There are rights which it is useless to surrender to the government, and which governments have yet always been found to invade. Among these are the rights of thinking and publishing our thoughts by speaking or writing.

"Our liberty,"

he continues,

"depends upon the freedom of the press, and that cannot be limited without being lost."

And further —

"The press is the best instrument for enlightening the mind of man and improving him as a rational, moral, and social being."

And another truth he expresses, which I would especially impress upon the minds of the country today:

"That where the press is free and every man is able to read, all is safe. . . . The only security of all is in a free press. The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be subjected to. It is necessary to keep the waters pure."

Mr. President, those wise words spoken a hundred years ago are strikingly pertinent to the present-day conditions, and cannot be overlooked without detriment to the nation.

AUTOCRATIC POWER INTOXICATES

It is very natural for men in authority to desire power—it is the natural impulse of the heart and promptings of the vanity of every potentate that his will is the best and wisest law for the government of all. There is no draft that makes such a dangerous drunk as power. Some wise man has observed that "power will intoxicate the best hearts as wine the strongest heads. No man is wise enough nor good enough to be trusted with unlimited power, for whatever qualification he may have evinced to entitle him to the possession of so dangerous a privilege." . . .

It is also a truth, let me assert again, proved by history and the experience of mankind, that even under the best forms of government those intrusted with absolute power have invariably converted it into a tyranny. It is well, therefore, to avoid everything that has in it the elements of ultimate despotism. The best way to avoid the dangers of an error is not to commit it; but if committed, minimize its evil consequences by killing it in embryo. The American people can be trusted to do that which is best for their own government. The irresistible influence of self-interest assures that. I would rather trust the feelings and the wisdom of all the people than the judgment of any one man or small coterie of men. . . .

THE TYRANNY OF THE FEW

The world is passing through a trying ordeal. The old landmarks that pointed

(Continued on page 90)

IS THE SEPARATION OF CHURCH AND STATE A MISFORTUNE?

WHETHER the religion be pagan, papal, or Protestant, to unite it with the state is wrong, and can result only in disaster. All history confirms this statement, from the time of the Pharaohs to the time of the Puritans. Strange to relate, men in our time are clamoring for a union of religion with the state, notably those who are connected with the National Reform Association. Others tell us that the separation of church and state is a misfortune.

Rev. Father Phelan is dead, yet his words follow him. The *Western Watchman*, of St. Louis, the organ of the deceased priest, still publishes his sermons. Mr. Phelan tells us in the *Watchman* of April 16, 1916, that the separation of church and state is a misfortune:

"In our day we claim that the church and state should be separated. Oh, what a horrid thought that is! You might as well say that man and God should be separated. The state separate from the church means the citizens of the state separated from the child of God. No, the church is supreme; her law must be obeyed by kings and peasants alike; and the man that violates the law of the church is a criminal in the eyes of God, and should be so regarded by men. To violate a law of the church is wrong, a wrong that no plea of human freedom can excuse. It is a wrong, a wrong now; it will be a wrong on judgment day; it will be a wrong throughout eternity. Even the Catholics favor the theory of separation of church and state. Maybe it is the best if the state persists in being heathen. The best thing for a man and woman who cannot agree in wedlock is for them to separate, but it is a misfortune for both. If the kings cannot leave the church alone, and if the church in union with the state cannot

have her rights protected, then let them separate; but it is a misfortune for both."

To Mass on Sunday,
or to Jail

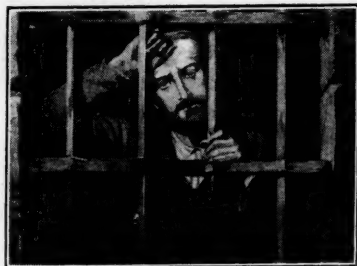
The service of God, a service acceptable to him, must be altogether voluntary. Compulsion in religion is abhorrent to a man who is free; it is hated by the "God and Father of us all."

To put a man behind prison bars because of his failure to attend mass on Sunday, is certainly

contrary to the spirit of the Americanism of the founders of the Republic of the United States. Yet this proposition is made in this the one hundred and fortieth year of the Republic:

"The ideal condition, and the condition that Jesus Christ had given us a model to go by, is a free church, a church free to make known to the world the whole counsel of God, and not an absolutely free state, but a state that stands by the church and enforces her ordinances. We do not like that, even we Catholics. We would not like to have a policeman visit us on Sunday evening and say, 'You were not at mass this morning; come with me, I will put you in jail.' You would not like that, but I would like it very much. I hope to God the day may come when every Catholic who won't go to mass on Sunday will be landed behind the bars before sundown. Unworthy, degraded Catholics who trample on the law of the church and on the laws of God, and claim the right to do it because of their liberty, should be punished. The liberty to stay away from mass on Sunday,—that is the liberty that St. Peter speaks about, which these Catholics make a cloak of malice. The laws of the church are coming to be regarded by Catholics as the well-meaning counsels of a good old mother in her dotage."—*Ibid.*

If Mr. Phelan has expressed the true spirit of the laws of his church, then it



is refreshing to be told that these laws are but the "well-meaning counsel of a good old mother in her dotage."

The observance or nonobservance of days, the going to mass or to any religious service on Sunday or on any other day of the week, is altogether a matter of individual conscience. Fines and penalties for the nonobservance of religious regulations belong to a dark past, not to the time in which we live. Let the dead past bury its dead, and let men be free to go or not to go to mass on Sunday.

The deceased priest was not alone in his hope that the police force some day would aid in church attendance on Sunday. A few years ago a Lutheran minister in the progressive city of Williamsport, Pa., in a Sunday morning sermon declared that he would thank God when the day arrived that he could send a policeman out to bring into his church delinquent members.

No person will be forced into the eternal kingdom of Jesus Christ; therefore no one should be compelled to accept one of the means by which Christian experience is to be obtained.

This government was founded upon the Christian idea of the entire separation of religion and the state. May it ever so continue.

Liberty Not Secured by Sunday Laws

THE Constitution was established to "secure the blessing of liberty," but the framers of that instrument did not deem that religious legislation could in any way secure these blessings nor "promote the general welfare." Had

they thought so, it would surely have been incorporated in the Magna Charta of American liberty. The interests of a people with strong, vigorous intellects and decided religious convictions widely divergent, could be best secured by leaving each person to worship God in his own way.

Their own experiences taught the wise statesmen of those days that men's consciences are not controlled by human enactments. To compel respect for any religious institution would be to reenact scenes of oppression and bloodshed. So in their sense of justice and fair

play and in their fear of causing confusion and rebellion, our fathers established that document which is the admiration of all liberty-loving peoples. And this Constitution not only totally ignores religion, but requires that Congress shall ever refrain from entering upon the path of religious legislation.



INTOLERANCE; REBUKED

"It came to pass, when the time was come that he should be received up, he steadfastly set his face to go to Jerusalem, and sent messengers before his face: and they went, and entered into a village of the Samaritans, to make ready for him. And they did not receive him, because his face was as though he would go to Jerusalem. And when his disciples James and John saw this, they said, Lord, wilt thou that we command fire to come down from heaven, and consume them, even as Elias did? But he turned, and rebuked them, and said, Ye know not what manner of spirit ye are of. For the Son of man is not come to destroy men's lives, but to save them. And they went to another village." Luke 9: 51-56.



SHALL THE FLAG BECOME THE SYMBOL OF OPPRESSION?

By
Milton C. Wilcox



THIS question is suggested by the action of the city council in Globe, Ariz. April 12 that city passed an ordinance that an American flag must fly from every business house, store front, and vehicle in that city. The penalty for the first offense is \$200 or two hundred days in jail, and for the second offense business concerns will lose their city license.

Now, what good will be accomplished by such a law? It is a well-known fact that a thing we respect or revere, if made too common, loses its peculiar power or sacredness. There are many Americans who feel like doffing their hat when they see the beautiful banner floating in the breeze; but it would be a practical impossibility for a man to do that under such an ordinance, unless he went bareheaded all the time. Such a thing arouses enthusiasm for a few days, and then becomes common. It is just a bit of pretty color combination. It is a notorious fact that there is less real piety and holiness in those lands where there are most sacred days and where religious paraphernalia is most ornate and abundant.

It is a fact well known that in all religious cults and under all governments there are hypocrites and traitors who cloak their designs by great outward devotion and display. Every man in Globe who has a heart base enough to work against his government, it is safe to say, would fly flags from store, dwelling-house, and vehicle, and be loudest in his ostentations of patriotism in the open. Would flying the flag make such a man a patriot?

The flag stands for certain principles. The Father of his Country designed the flag which Betsy Ross made, to symbol-

ize those principles, the fundamental principles of primitive Americanism. Among these fundamentals are the equality of birth, the right of free speech and a free press, the liberty to do or not to do, to worship or not to worship, so long as the citizen's course of conduct is not disloyal to the government, or does not interfere with the equal right of his fellows. Should that beautiful banner stand for the opposite of these principles, enforced by a degenerate people, it would become the symbol of tyranny and oppression, and no longer worthy the respect of free men, unless in memory of what it had once stood for.

There are men who were begotten, born, nursed, and nourished in the principles of Americanism. They have been true to those principles all their lives. They resent the demand that they must show by some prescribed act that they are still loyal to them.

If such an ordinance as the Globe council passed would distinguish or draw clear lines between the true and the false, it might be defended, but this it cannot do. Rather it puts a premium upon buncombe and hypocrisy.

Let America still be free. Let her citizens be free men and not legally manufactured hypocrites. They are made no better by shouting or flaunting their own praises. The most enthusiastic in display are usually those who understand the principles the least, and under provocation are the first to curse the nation. The true American free man is himself an embodiment of the principles of freedom, even though he is not draped in the national colors. Let us be sensible. Let Americans be permitted to do a few things from choice.

Mountain View, Cal.

SPEECHES WHICH SAVED FREEDOM OF THE PRESS TO AMERICA

(Continued from page 86)

the way in the past are considered no longer altogether safe guides. Tyranny and the ambition of the few have engulfed the world in a sea of blood. . . .

Never before in the history of the world was it so necessary, so imperative, to turn to the imperial individual,—the private citizen,—awaken him from his lethargy, appeal to his independence of thought, and arouse him to heroic action, as now. . . .

Let me commend to all lovers of liberty, as the better expression of my own views, the wise counsel given by Judge Story in the concluding chapter of his great work on the Constitution:

"Let the American youth never forget that they possess a noble inheritance, bought by the toils and sufferings and blood of their ancestors; and capable, if wisely improved and faithfully guarded, of transmitting to their latest posterity all the substantial blessings of life, the peaceful enjoyment of liberty, property, religion, and independence. The structure has been erected by architects of consummate skill and fidelity, its foundations are solid, its compartments are beautiful as well as useful, its arrangements are full of wisdom and order, and its defenses are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a title. It may, nevertheless, perish in an hour by the folly or corruption or negligence of its own keepers—THE PEOPLE. Republics are created by the virtue, public spirit, and intelligence of the citizens. They fall when the wise are banished from the public councils because they dare to be honest, and the profligate are rewarded because they flatter the people in order to betray them."

Nothing truer was ever uttered by the loyal lips of an American patriot.—*Congressional Record*, May 10, 1917, pp. 2133-2136.

From the Speech of Hon. F. H. LaGuardia

This [censorship] bill is the most important measure that has come before the House during this and many previous

sessions. It is a revolutionary measure. It shocks me as much as if a bill were proposed to change the color and formation of that flag we so dearly love. Gentlemen, if you do pass this bill and if it is enacted into law, you change all that our flag ever stood and stands for, even though we do not change her colors. . . .

We have the responsibility of carrying this country through this war without impairing or limiting any of her institutions of true liberty or losing her entity as an ideal republic. Yes; it is easy for a member to rise on this floor as he would in the course of a local campaign, cheer the Stars and Stripes, proclaim his unqualified support to the administration, and obtain a ripple of applause to be parenthetically included in the *Record*, for home consumption. Ours is a bigger task than that, and never in the history of this country had Congress such a struggle on its hands to maintain a free form of government as intended by the framers of the Declaration and the strict mandates of the Constitution. . . .

There can be no mistake about the intent and effect of this law. It is absolutely a limitation on the freedom of the press and speech. It is a flagrant and daring violation of the spirit of Article I of the First Amendment to the Constitution. . . .

The law admittedly makes the President a despot, but with the comforting assurance that the despot about to be created has the present expectation to be a very lenient, benevolent despot—the restrictions herein created to be enforced at the will of a sort of royal prerogative. The American people do not want tolerance; they demand the continuance of their Constitutional rights. . . .

"This is true liberty, when free-born men, Having to advise the public, may speak free,

Which he who can, and will, deserves high praise;
Who neither can nor will, may hold his peace:
What can be juster in a state than this?"

The great Milton quoted these lines from Euripides in his plea to the British Parliament for the freedom of the press. I hope no Milton in this House will remain "mute and inglorious."—*Congressional Record*, May 2, 1917, pp. 1707-1709.

DRASTIC PENALTIES

The President may make up his mind that a certain class of information which the people ought to have might be illegal, and he can so proclaim, and the person then violating it will be subject to the penalty provided by this section. And it will be observed that the penalty provided in this section is somewhat drastic in its terms. It provides that anybody who violates the provisions of the act shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than ten years, or both.—*Comments by Mr. Graham, Congressional Record*, May 2, 1917, p. 1713.

From a Speech by Hon. Isaac Siegel

I am frank to say that I am unalterably and irrevocably opposed to section 4 of this bill, which would, according to my construction of its language, practically muzzle the press of the United States during the whole war period.

I have implicit faith in the loyalty and patriotism of the newspaper men of America, that they will of their own accord prevent the publication of such information as would tend in any manner or in the slightest degree to aid the enemy. . . .

It is wise at this time to recall the words of Mr. James M. Beck, who was later Assistant Attorney-General of the United States, and who in *The Lewis Publishing Company v. Morgan* (229 U. S., 288, pp. 292, 293), said:

"The First Amendment means, in substance, that no burden or restriction should be imposed upon the press, excepting only in

matters of recognized morality, and subject always to responsibility at common law for libelous statements. The history, which preceded the First Amendment, clearly shows that it was made to prevent a censorship of the press either by anticipation through a licensing system or retrospectively by obstruction or punishment.

"To concede to Congress the power . . . to discipline the free press of the country would hereafter mean a stricter and more dangerous censorship, for in the matter of arbitrary power 'the appetite grows by what it feeds on.'"

Thomas Jefferson, in 1799, said:

"I am for freedom of the press, and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents."

And in 1816 he said:

"Where the press is free and every man able to read, all is safe." . . .

In an article which appeared in the *Saturday Evening Post* of Feb. 12, 1910, ex-Gov. Joseph W. Folk said:

"We are too apt to accept such reforms as trial by jury, freedom of speech, and freedom of religion as matters of course, forgetting the struggle of centuries that brought these things about. It is much easier to lose these blessings than for us to gain them. The evils arising from the abuses of freedom of speech, the stage, and the press are bad enough, to be sure, but not so bad as tyranny. The power of censorship may be abused as well as freedom, and when that is abused there is tyranny. An aroused public conscience and an educated public opinion must correct these evils. There is little danger from error when public opinion is enlightened and reason is free. . . . The right of free speech does not mean only the right to say pleasant things, but the right to say things displeasing to the powers that be." . . .

UNFIT TO REPRESENT AMERICAN LIBERTIES

In a lengthy editorial the *New York American*, of April 30, 1917, said in conclusion:

"As you well know, our great Bill of Rights was appended to the Constitution in the form of the ten Amendments, and the very first of these which our fathers so wrote into the supreme law of the land is this:

"Congress shall make no law respecting an establishment of religion, or prohibiting

the free exercise thereof; or abridging the freedom of speech, or of the press.'

"Now gentlemen of the Congress, there are not two consecutive paragraphs in this unconstitutional and tyrannical espionage bill which do not, either by permission or by mandate, attempt to abridge and to coerce and to destroy the freedom of speech and the freedom of the press.

"And if you pass such a bill, you are false to your oaths, false to the command of the Constitution you are sworn to obey and to uphold, false to your people, false to the liberties and the rights guaranteed to you and to your children, false to our noble traditions of freedom, false to the living, and false to the dead who died that these institutions and promises of liberty might be the heritage of free Americans in free America through centuries upon centuries of representative constitutional government.

"If you fail in your duty now, if you crouch like whipped dogs at the crack of the lash, if you do not maintain your own and your people's rights and liberties, you are not fit to represent a free people, and you will go down to posterity covered with the contempt and the resentment of those better and braver times which we still have faith to believe await our children and the Republic." . . .

PRESS AS PATRIOTIC AS CONGRESS

Not long ago the New York *Times* published the following editorial:

"THE CENSORSHIP

"In the espionage bill now before Congress awaiting its consideration there is a section giving to the government the power of censorship over the press, although the bill is professedly designed only to deal with spies. As it stands in the bill, this section makes it possible for the government to assume complete control over all the newspapers of the country, to abolish and suppress the freedom of the press guaranteed by the Constitution. In the guise of safeguards against giving information of value to the enemy, it puts it in the power of the government to prevent absolutely the publication of news relating to war. . . .

"The newspapers of the country will faithfully comply with any reasonable requests or regulations of the government. It is not even necessary that the requests should have the special authority of a statute. The press is as patriotic as the Congress."

On May 1, 1917, the Philadelphia *Inquirer* printed an editorial reading:

"SHALL CONGRESS MUZZLE THE NEWSPAPERS?"

"With the Army bill virtually out of the way, Congress is to take up and dispose of the so-called espionage measure. That meas-

ure contains a provision for gagging and muzzling the newspapers, in direct violation of the mandate of the federal Constitution, which declares that 'Congress shall make no law abridging the freedom of speech or of the press.' . . .

"The press can be trusted, and it ought to be. Forbid the printing of information of value to the enemy, but do not pass a gag law that would suppress legitimate news or repress truth. Truth cannot be successfully mangled for any length of time. Truth harms no one. It is the half truth that matters,—the half truth that is in itself a lie or a deception. Muzzle the newspapers, and we shall have a nation distrustful of the government, fearful that facts are concealed that ought to be made public.

"To gag the newspapers would be the most disastrous thing that Congress possibly could do."

Let me read from today's Washington *Times* [May 2, 1917], which prints the following editorial:

"IS THE CONSTITUTION OF THE UNITED STATES STRONG ENOUGH AND SOUND ENOUGH FOR WAR TIME?"

"... Washington managed to do his work obedient to the Constitution.

"Lincoln fought through the Civil War and did not find that the Constitution needed changing for his sake—his task was not easy.

"But the democratic administration of today demands, at the mere suggestion of war, that the Constitution be changed, and changed in that part which more than all the rest of the Constitution guarantees freedom,—freedom of speech, freedom of the press. . . .

"Freedom of the press is collective freedom of speech. . . .

"The dangerous feature of the espionage bill consists in this: Its serious discussion in both houses of Congress indicates that the government not only questions but denies the right and ability of the people to manage their affairs. . . .

"Have we really come to such a pass? Must the people of this country be led like a tame bear with a ring in its nose, an elected public servant holding and pulling the string? . . .

"In voting for the espionage bill the fraudulent public servant votes to give to himself and to the President power to put in jail any citizen who may tell an unpleasant truth or formulate a needed disagreeable criticism concerning either of them.

"The espionage bill would give to the President or to any one of five hundred understrappers power to imprison any man for writing what you have just read,—power to

imprison you if you should say to your neighbor that it is criminal for public servants without public sanction to abolish Constitutional guaranties. . . .

"As Senator Borah has pointed out, under this espionage bill citizens would be imprisoned, not for violating the law but for violating 'regulations.' And the President, or those to whom he might delegate the power, could make any regulations.

"The espionage bill does away with every democratic principle, including trial by jury. For under that bill you can be fined \$10,000 or imprisoned ten years, or both, not upon conviction by twelve of your fellow citizens, but upon the individual decision of the President of the United States that it would be a good idea thus to fine or imprison you. . . .

"Is the United States Congress about to give to the President the power that the Russian people have just taken from the czar?

"Back of this espionage bill you will find —
"The desire of inefficiency to escape criticism.

"The desire of dishonesty to avoid exposure.

"The desire of official power to escape control by the public that created it.

"But dishonesty tempted by the sight of seven golden billions, official vanity eager for absolute power, and incompetent conceit dreading just criticism, are minor details in this degrading and shameful discussion of the espionage bill.

"Here is the danger signal.

"The greatest Republic in the world begins a war announcing that it is fighting the fight of democracy. And it begins that war by questioning the very existence of democracy, denying the wisdom of the Constitutional theory that the people are able to govern themselves, fit to control the servants whom they employ, and to be trusted with freedom of thought and speech.

"The Congressman who votes for the espionage bill expresses contempt for those that put him where he is.

"Monarchies are destroyed by poverty, republics by wealth."

"The French philosopher who said that would study with interest the official hirelings of this gigantically rich Republic solemnly discussing 'in an emergency' the nullification of the United States Constitution." . . .

I say that the press of this country, regardless of the enactment of any law by Congress, will publish the facts either as to adulterated food being given to the men who go to fight our battles or as to an improper plan of campaign, or as to any wrong-doing by an official, be he

high or low, poor or rich. You cannot stifle the press of the United States by the enactment of laws that are clearly unconstitutional. Who is it that fears the truth? That question has not been answered by any one here.—*Congressional Record*, May 2, 1917, pp. 1713-1718.

Censorship and the Police Power

(Continued from page 73)

held their highest allegiance in all things as due, not to Cæsar, but to Christ. The emperors felt it incumbent upon them to discourage as far as possible this idea of limited human sovereignty, and of a qualified political allegiance. In the exercise of the police power of the empire, they held it to be their duty first of all to provide for the safety and stability of the government itself.

The fallacy was then, as it is now, in supposing that the primary office of government is to perpetuate itself. The truth is that men "are endowed by their Creator with certain unalienable rights. . . . That to secure these rights governments are instituted among men." The rights are primary, the means of securing them secondary. The means may be changed or even pass away, but the rights endure. "Despotic power may invade those rights," and deny for a time their exercise, "but justice still confirms them," and eventually they triumph even against the so-called "police power," which has been invoked in too many instances and in too many ways, especially in our cities, to justify very questionable measures and methods.

It is high time that lawmakers, executives, and courts all recognized that written constitutions, both State and national, are above the police power, and that no plea of expediency or of necessity can justify an invasion of the rights thus guaranteed. The fundamental law is that which gives life and force to the only legitimate police power there is or can be in this country.

Editorial Brevities

As this number of *LIBERTY* goes to press, it is believed that the press censorship provision of the espionage bill has been abandoned by the administration, and that it will be heard of no more, at least for the present. It is to be hoped that this will prove to be the case, and also that the press will use wisely and patriotically the liberty now enjoyed, lest in the stress of foreign war it be swept away for all time. Mr. Jefferson told the whole truth when he said that the freedom of the press could not be limited without being lost. Republican government is on trial in this country as never before, even during the Civil War. Government by the people can endure only so long as the people themselves, including the press, are truly self-governing.

THE article by M. C. Wilcox, on page 89, is worthy of more than a cursory reading. All honor to the flag as a political emblem, and to the sound political principles to which it was originally dedicated, and for which it still stands; but let not the standard of liberty become the symbol of oppression. Love of country, like love of God, cannot be forced; and while it is proper enough to forbid any misuse of the flag or any act or word expressive of contempt or disrespect, it were worse than useless to compel a false profession of loyalty to, and of feigned love for, the flag. The man who does not love his country because of the liberty and protection it guarantees to him, and the flag because of the principles for which it stands, cannot be made to do so by law, though he may be made to play the political hypocrite, just as under religious laws men sometimes play the religious hypocrite through fear of fine, imprisonment, or death. Great profession of love for the flag does not necessarily mean great love for the principles for which the flag stands.

Massachusetts Suspends Sunday Laws

THE Massachusetts Legislature recently passed an act which sets aside, during the war period, the laws of the old Bay State relative to gardening and farming on Sunday. All citizens are granted a special dispensation to labor on Sundays in their gardens and on their farms. Some of the conservative Puritan organizations for strict Sunday observance offered a feeble resistance, but the legislature passed the measure almost unanimously, and the governor signed it.

The Connecticut Legislature passed a similar measure by an overwhelming majority, but the religious organizations besieged the governor, and he vetoed the bill, lest "the Sabbath might lose its sanctity."

One governor granted a special dispensation to work on Sunday; the other refused. It seems strange that men will attempt to mount God's throne and enforce or suspend his laws for him. The sooner they leave the divine throne and refuse to thus interpret God's laws for all mankind, the better it will be for the world, and especially for democracy in America. Massachusetts is just getting back to where Constantine the Great began when he made his first Sunday law, in 321 A. D., a law which permitted agricultural labor. Better go back to the days of the first three centuries, when no labor was prohibited on Sunday by either God or man.

Granting Indulgences for Baseball

A NUMBER of States and city municipalities whose statutes prohibit Sunday baseball have decided to grant special indulgences to clubs to play on Sunday, provided the gate receipts are turned over to the Red Cross. This spirit of liberality toward a worthy object is commendable. The only parties who are objecting to this action on the part of the state are a few who believe that it is the duty of the state to protect their religion.

If the state would let religion look after its own interests, the civil magistrates would not be required to sit as judges to decide theological questions, nor would lawmakers be granting special indulgences to violate real or supposed religious obligations. Total separation of church and state would necessarily mean noninterference with religious duties.

National Prohibition Necessary for the Triumph of Democracy

AN Associated Press report published in the *Chicago Daily Tribune* of May 29 states that the new republic of Russia is threatened with a complete overthrow through violence due to "the increase in the illicit sale of vodka and the general wave of intoxication which threatens to spread throughout the country, provoking disorders and endangering the internal peace of the country."

The executive committee of the council of workmen's and soldiers' delegates sent the following stirring appeal to the citizens of Russia:

"We notice an increase of drunkenness in Petrograd and other parts of Russia. It is noticeable in the streets, railways, factories, and barracks. Vodka is readily found in the villages of the interior, as well as at the front. An examination shows that many deplorable events in the last few weeks were due to drunkenness.

"Formerly the emperor encouraged drunkenness, since it helped to support the imperial throne. Now the Black Hundred is trying to intoxicate the country, because it wants to create disorders, cause civil war, and the return of the monarchy. Massacres will follow the appearance of vodka, villages will fight with each other, and then the servants of the old régime will emerge from their hiding places, and there will be a repetition of what happened in 1905. The work of the revolution will be drowned in blood by the enemies of the people. No one has the right to buy vodka or to drink it. Let it disappear forever, with the old régime."

Before the American Republic can conquer a foreign foe, it must first conquer its greatest domestic foe — the rum autocrat. This is no fiction, but a grim reality. National prohibition must be adopted soon as a war measure, or the

American Republic will be conquered by a food famine and riots which will be the consequent resultants of turning our grain products into intoxicants.

Prof. Irving Fisher and Dr. Alonzo Taylor, who are government experts on the food question, state that "food conservation as a war measure is absolutely essential for the successful conduct of the war." They further state that on account of a "shortage of crops all over the world, the destruction of crops by the war, the withdrawal of food producers to perform military functions, the destruction of food ships by the submarines, and the exhaustion of our food stocks, we are facing a real food crisis."

Upon careful computation based upon government statistics they clearly prove that national prohibition of the manufacture of alcoholic beverages is absolutely necessary as a military measure in order to carry the war to a successful issue. They show that "more than 110,000,000 bushels of grain are used in the production of alcoholic beverages, 415,000,000 pounds of grapes, and 152,000,000 pounds of molasses. In all, about 7,500,000,000 pounds of food (grain, grapes, grape sugar, glucose, and molasses) are so used each year."

Iowa Sunday "Blue Law" Crusade a Failure

AT the instigation of religious organizations, Attorney-General H. M. Havner, of Iowa, had a drastic Sunday bill introduced recently into the Iowa Legislature. The legislature refused to pass the bill. The State's attorney then delved into the musty folios of the past and dug up an old blue law which prohibits "any commercialization of the Sabbath." According to Mr. Havner's interpretation of this law, it prohibits the sale of anything and everything on Sunday, whether luxuries or necessities of life; it prohibits all kinds of recreations that are commercialized, and closes up amusement parks where fees are charged.

The attorney-general inaugurated a State-wide crusade to enforce his puritanical notions of Sunday observance. The county sheriffs and city police of Iowa were authorized to arrest any and all who violated the law as interpreted by the attorney-general. In some counties more than three hundred arrests were made on a single Sunday by deputy-sheriffs. Some of the most respectable citizens and leading business men were arrested. While many paid their fines without trial, quite a large number appealed their cases to the courts for jury trial. A number of these cases have been tried already, and in nearly every case the courts have ruled that "the law is unconstitutional and cannot be enforced." In other cases juries have said, "Not guilty."

Yet despite these acquittals and decisions by the courts, Attorney-General Havner persists in enforcing the whole law, old and new, as he construes it. Those who keep the seventh day, and under the code of 1897 are exempted from observing Sunday, are also subject to arrest, the attorney-general contending that the act of 1897 does not protect them because they do not observe the seventh day from midnight to midnight, but from sundown to sundown. This fine hairsplitting the courts refuse to sustain. And yet the arrests are kept up, with the consequent costs to those arrested, in defending their cases.

People Demand Repeal of Laws

The people have become exasperated, and are demanding a repeal of these antiquated laws. Mass meetings are held to protest against the crusade and against the law. The Tri-City labor organization called a congress and passed a resolution appealing to Governor Harding to call a special session of the Iowa Legislature "for the purpose of repealing the Sunday blue laws. The congress bitterly opposes the present State-wide enforcement of the Sunday laws under the direction of Attorney-General Havner."

We are confident that if the people of Iowa had the privilege of voting on the Sunday law issue, they would vote all Sunday laws out of existence by as large a majority as did the people of California and Oregon in 1914 and 1916. Public sentiment is against Sunday legislation. And yet a United States Senator of Maryland recently introduced a Sunday bill—S. 2260—into the United States Senate which is even more drastic in its prohibitions than are the puritanical notions of the attorney-general of Iowa. It is high time that the people raise their voices in protest against this medieval system of religious enforcements which encroach upon the conscience of the individual and the religious faith of the dissenter.

Important Notice to All Lovers of Religious Liberty

SENATE Roll 2260 is such a drastic Sunday bill that it practically robs the citizens of the District of Columbia of every vestige of freedom in respect to a weekly rest day. It even prohibits works of necessity and charity by employees one day each week. It is bluer than the blue laws of New England in the palmiest days of Puritanism. The chairman of the Senate Committee, to whom the bill is referred for recommendation for passage, is the author of the bill. So there is great danger of favorable action unless public sentiment rises up against it. Let every citizen who loves religious liberty, a free conscience, and the principles of democracy as opposed to autocratic religious domination, write to our office for a petition blank, and then secure as many signatures to the petition as possible, and send the petitions to one of the United States Senators from his State. Now is the time to act. "Eternal vigilance is the price of liberty." Address—Editor of LIBERTY Magazine, Takoma Park, Washington, D. C.

of
the.
all
ge
or-
ab-
la-
or
un-
ed
tic
cal
va.
eir
val
ch
in-
he

rs

tic
he
of
to
its
m-
ier
in
he
to
n-
he
or-
ses
ho
ce,
p-
on,
k,
to
he
es
he
he
of
h-